

App. F. IX-4

Previous References.

1955: Sh
(HB)

File No. 19-55

Serial Nos. 7, 8, 9

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for

August. 1955.

SUBJECT

Acquisition of Properties bearing NO 1447
1448 and 1449 in Shanavanthin Road Type

WD 01425-GPB-25,000-15-9-1952.

L 5344/10.8.55

Sat.

Kempamma
Door no. 1447-49 Shanavanthin
Road,
Devanaja Potha

Rejects

30/9

6032/77

Mysore Government
Secretariat

File No. of 195

[App. F. III 2]

Serial
No.Let

peti & 21-11-54 from sub. Kempanur
D. MS 1447 to 49, Bhavantri Road
Mysore, through her counsel, re
acquisition of ^{her} properties.

1) orders of the Minister for Leg:-
"Leg Secy - I will
inspect the spot. Issue
a stay order, pending
final decision".

(27) T.C.

2) submit this with a draft letter and
a draft endorsement to the party.

M. 28/11 24/11
P. A.

3) Issue
A
7/12

To,

The Chairman, N.T.B.

2 11357 & 11-12-54

Issue a stay order.

2 11358 & 11-12-54 - endorsement
to the party.

4) This may kindly be referred to the P.A. to the Leg
Minister for submission to the Minister at the
time of inspection. P. A.

M. 14/12 16/12
P. A.

to Minister L.S.G.)
5/12/1954

OFFICE OF THE MINISTER FOR
PUBLIC HEALTH & LOCAL-SELF
GOVERNMENT.

27 Dec

NOTE. 4282 Contn. sheet

No.

In this possession of the acquired properties
bearing nos. 1447-48 and 49 in Channarayana
File No. Road, Mysore of 195 for framing of
6032ml

Mysore Government
Secretariat

6) I have made enquiries in
the matter when I was in Mysore in
May 55. The petition of Smt. Kempamma
is rejected & the stay order is vacated.

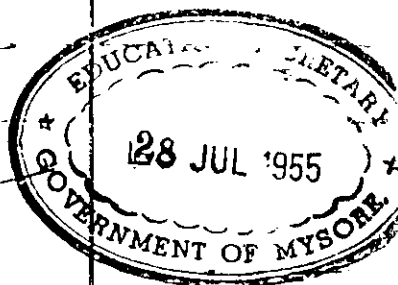
Serial
No.

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26.7.55

30/7/55

118



7) Dft letter to the Chairman dtd 27.03.55
intimating him that the stay order is vacated
and dft endorsement to Smt. Kempamma are
put up for favour of kind approval.

24/8/55
M. S. S.

8)

Done
16/8

Forwarded to Smt. Kempamma

Dono 1447-49 Channarayana, Bengal, Mysore

Mysore - intimating him

his petition is rejected

L 5344/270319-55-8 & dtd 10/8/55

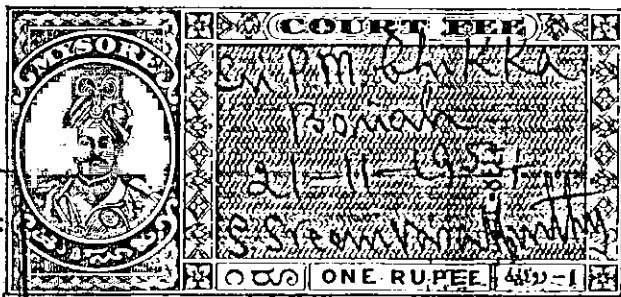
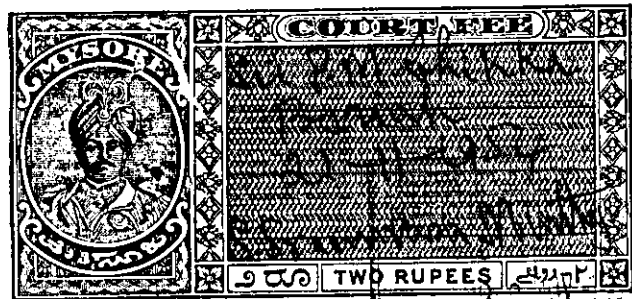
Forwarded to the Chairman dtd 27.03.55

intimating that the petition is rejected

and stay order is vacated.

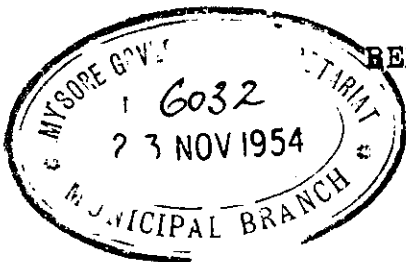
L 5346/270319-55-19 dtd 10/8/55

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16/8

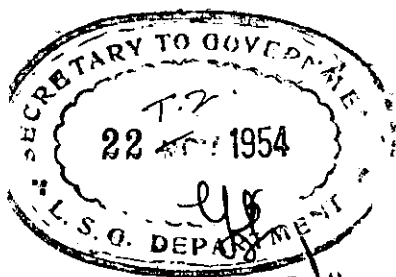


No. 2112

9TB 19-55-7



BEFORE THE HON'BLE MINISTER FOR
PUBLIC HEALTH, GOVERNMENT OF
MYSORE, BANGALORE.



Petitioner: Kempamma,
residing in House Nos.
1447 to 49, Danwanthri
Road, Devaraja Mohalla,
Mysore City.

The petitioner begs to state as
follows:

1. That the petitioner is the owner
of houses bearing Municipal numbers -
1447, 1448 and 1449 in Dhanwanthri Road,
Mysore City, and at present residing in
those houses.

2. The first application dated -
2-9-1946 along with the plan was sub-
mitted to the Chairman, Mysore City
Improvement Trust Board, for sanction
of a License in order to demolish the
existing old and delapidated buildings
and reconstruct a new house in accord-
ance with the approved plan. Consistent
to her first application, she has sub-
mitted more than a dozen petitions -
praying for approval of the plan pre-
pared by her or if the Trust Board -
prepared a plan, she would be willing

L.S.G. Secy

I will inspect the spot.
Issue a stay order,
pending final
decision.

21/11/54.
23/11

2

- 2 -

to construct the house accordingly.

3. The Trust Board ^{proposed} prepared in 1947 that all the houses that lie to the south of Dhanvanthri Road are to be acquired. After that the Trust Board allowed the owner of Gayathri Bhavan to construct the building, in accordance to its plan. In this case, as the petitioner ^{learned} the acquisition of that site was given up. Likewise several owners of houses abutting Dhanvanthri Road were permitted to construct new buildings facing Dhanvanthri Road.

4. Even in the case of the petitioner, she has althrough praying that she would construct a new house or even shop as per the approved plan. When several people were allowed to have their own plan in reconstructing their building it is highly surprising to bring it to the notice of this Court, that the Chairman of Mysore City Improvement ^{Trust} Board has issued an endorsement No.B.2 C. 100/45-46 dated 18th October 54, a copy of which is herewith enclosed.

5. The petitioner is also of the opinion that the existence of old building by the side of a main road, does not look decent and also it spoils the beauty of Mysore City. So far, the petitioner tried her level best to know the proposed scheme that is going to be implemented after ac-

- 3 -

acquiring these premises, ^{but it was a far from} At any rate when several people are permitted to reconstruct the houses in the same road it is not justifiable to refuse the same to this helpless lady. She does not mind the cost of the building, in the event, that the Trust Board prepares a plan and directs her to construct a building only in consonance with the Government approved scheme.

6. The petitioner owns only these three houses in Mysore City and all ~~of~~ ^{the} three are proposed for acquisition. In case if the Trust Board resorts to take up coercive steps in evicting from these houses, she, along with her family consisting of 8 members will have no other place for their residential purposes. Supposing if they are permitted to reconstruct, then she may reside in one portion and dismantle the other portion. Thus it may not cause inconvenience and hardship to her. When such is the situation of this helpless lady, the benign Government be kind enough to save her and her family. If the acquisition is pursued she would be put to irreparable loss and it would amount to practically the ruination of a big family.

7. It is but fair and equitable to permit the petitioner to reconstruct and restrict the same as per the directions of the Trust Board. No amount of

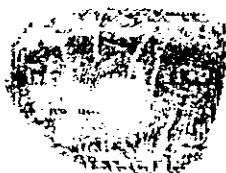
(17)

- 4 -

explanation would be so clear as that of inspecting the 'spot', which would - clearly convince beyond doubt that it is not correct to refuse the petitioner's request. It ^{is} only by means of spot inspection the Court could see the newly constructed building in the same road.

8. Wherefore the petitioner most humbly prays that the Hon'ble Court be pleased to set aside the acquisition and permit the petitioner to construct the building in accordance with the Trust Board plan and further during the pendency of this petition a stay order may be issued.

P. M. Chikkahallal
Advocate for petitioner



L.T. mark
J. Kempamma.

PETITIONER.

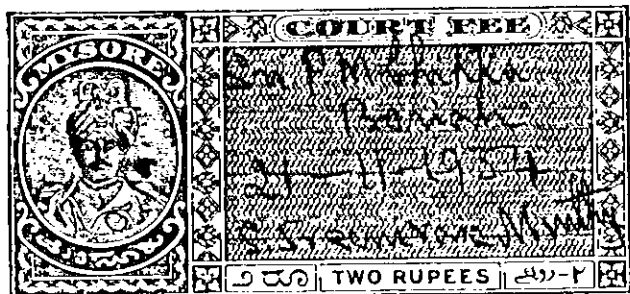
Mysore,
Dated 21st Novr. 54.

*copies
by
copy 1/2/54*

Copy of endorsement No.B.2C.100/45-46 dated 18th October 1954 from the Chairman, City Improvement Trust Board, Mysore, to Srimathi Kempamma, Door No.1447-1448, Dhanvanthri Road, Devaraja Mohalla, Mysore.

(5)

With reference to her petition dated 13th September 1954 on the above subject requesting for grant of approved plan to put up the building Srimathi Kempamma, is hereby informed that she will first vacate the premises and hand over the possession of the property immediately to Sri K.Narasimha Murthy, Sub Overseer of this office. Regarding her request she will be intimated the decision of the Board later if she is entitled to any right in the property.



IN THE COURT OF *The Hon'ble Minister for Health and*
Trust Boards, Govt of Mysore
 No. *of 195 -195* . *Bangalore.*
 Plaintiff/Appellant/Petitioner Defendant/Respondent
 Decree Holder/Claimant Judgment Debtor

1. I/^{the} We Petitioner above named do, by these presents, retain
Messrs P. M. Chickabombah, B. A. B. L.
Advocate, Mysore City,
to appear and conduct the above case on my/our behalf to judgment.

Accepted.

L.T. mark

Personally known to me and signed in my presence.

P. H. Chikhalin
Advocate for *petitioner*
21-11-82

SUBJECT.....

Acquisition of properties in Shanvante
Road
(7)

Section

File No.

Serial No.

Diary No. of letter replied to.....

No.

To

L 11357/E
11-12-54

General and Revenue Secretariat

()

the

19

T.S.

a copy of

Date of issue.....

Signed by.....

The chairman, C.S.T.B,
Mysore

Sir,

In forwarding here with
a copy of petition of 21-11-54
received from Srimalthe
Kannamma on the above
subject, I am directed
to state that the Minister
for P. & L. and Leg. proposes
to inspect the spot.

pending final issue of
final orders, further proceedings
in the matter may be
stayed.

List of enclosures.....

Copied by.....

Examined by.....

quoted the
11/12/54

copy to the P.A. to the Minister
P. & L. & Leg. for information.

P.T.D. (for 11/12/54)

⑧
II^d Offt.

L 11358
- 11-12-54

2 c/f's

Endorsement granted to
Smt. Kewfawma,

NVS 1447 to 49, ^{Devaniga mulla}
Shamvanthi Road, Dymne

through her counsel

Sri. P. H. Chikhabrahiah, B.A.B.L.
Advocate, Dymne

with reference to her petition
of 21-11-54 addressed to the
Minister for P. H. and Leg, re
~~the~~ acquisition of her house
in Shamvanthi Road,
Smt. Kewfawma is
informed that the Minister
~~has~~ would inspect the spot.
& that pending issue of final
order, ~~as stay order~~
order, the chairman, C. I. T. B,
~~Banga~~ Dymne has been
requested to stay further
proceedings in the matter

In approval


P. H. Chikhabrahiah
Advocate

10/12/54

L. 11355/E1

Municipal Branch,
11th December 54

(9)

The Asst.

L.S.G. & Planning Departments

To

The Chairman,
City Improvement Trust Board,
Mysore.

Sir,

Subject:- Acquisition of properties in Dhanvantri Road.

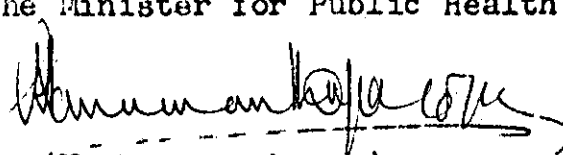
In forwarding herewith a copy of petition dated 21-11-1954 received from Srimathi Kempamma on the above subject, I am directed to state that the Minister for Public Health and Local Self-Government proposes to inspect the spot.

Pending issue of final orders, further proceedings in the matter may be stayed.

Yours faithfully,

(Sd.) (V. Hanumanthappa)
Asst. Secretary to Government,
L.S.G. & Planning Departments.

Copy to the Personal Assistant to the Minister for Public Health and Local Self-Government for information.


(V. Hanumanthappa)
Asst. Secretary to Government,
L.S.G. & Planning Departments.

LNS.3.10/12.

GOVERNMENT OF MYSORE.

Mysore Government

~~General and Secretariat~~ Secretariat,
Municipal Branch,

Dated, Bangalore/11th Decr. 1954

No. ...~~11358~~

(16)

ENDORSEMENT.

Granted to Srimathi Kempamma,

D.Nos.1447 to 49,

Dhanvantri Road, Devaraja Mohalla, Mysore
through her counsel Sri P.M.Chikkaboriah,
B.A.,B.L., Advocate,
Mysore.

With reference to her petition dated 21-11-1954
addressed to the Minister for Public Health and Local
Self-Government regarding acquisition of her houses in
Dhanvantri Road, ^{Srimathi Kempamma is} informed that the Minister would ins-
pect the spot and that pending issue of final orders,
the Chairman, City Improvement Trust Board, Mysore,
has been requested to stay further proceedings in the
matter.


--- (V. Hanumanthappa)
Asst. Secretary to Government,
L.S.G. & Planning Departments.

LNS.2.10/12.

S. LINGANNA,
Chairman

City Improvement Trust Board,
Mysore.

(11)

D. O. No. B2.C.100/45-46.

Dated 2nd June 1955.

Dear Sir,

Re: Taking possession of the acquired properties
bearing D.Nos. 1447-48 and 49 in Dhanvanthri
Road, Mysore, for forming shop sites.

In continuation of this office letter of even No.
dated 10-5-1955 on the above subject requesting to vacate
the stay order in respect of the above properties to enable
the Board to take up dismantling work without any delay, I
write to state that some of the owners of the acquired
properties have already handed over possession of the
properties and the work of dismantling has been held up
on account of the stay order issued by Government in letter
No.L.11357 dated 11-12-1954. These stayed properties are
already in a dilapidated condition and require immediate
dismantling in the interest of the public as well. Further,
I am to add that there is dispute regarding the ownership
of the said properties (1448-49) under reference and the
case has been referred by the Special Land Acquisition Officer
to the District Judge for adjudication.

In these circumstances, it is humbly suggested that
it is a fit case where Government can vacate the stay order
issued, since there are two claimants to these properties
and the matter is pending in the Civil Court. Hence I request
Government to vacate the stay order and allow me to continue
the dismantling work, as the stay order has been pending
sufficiently long and the whole scheme has been held up since
the issue of this order.

Yours sincerely,

S. Linganna
2/6.

Sri T.Chenniah, B.Sc.,
Minister for Public Health and
Local Self-Government,
Government of Mysore, BANGALORE.

DVS)

S. LINGANNA,
Chairman.

City Improvement Trust Board,
Mysore.

D. O. No. B2.C.100/45-46.

Dated...6th July.....1955. (12)

Dear Sir,

Re: Taking possession of the acquired properties
bearing Door Nos. 1447-48 and 49 in Dhanvanthri
Road, Mysore, for forming shop sites.

In continuation of my D.O. letter dated 2-6-55 on the above subject requesting you kindly to vacate the stay order issued in respect of the above properties to enable the Board to take up dismantling work without further delay, I write to state that no orders have been received, in the matter so far. I wish to state in this connection, that the dismantling work of almost all the other acquired properties around the door numbers in question has been completed as the respective owners handed over them. Since further work has been ^{held} ~~held~~ up on account of the stay order issued by Government, and as the properties in question are in a dilapidated condition, there is every likelihood of these houses collapsing at any time, thereby, causing danger to public. As already stated in my letter dated 4-6-55, Srimathi Kempamma who had only a mortgagee right, is adjudged to have no right over the property as per the Court Order.

The scheme is pending implementation for the last 5 years and this is a fit case for vacating the stay order. I therefore request the Government to vacate the stay orders and allow me to take up dismantling work and thus bring the scheme to a final shape.

Yours sincerely,

S. Linganna
6/7


Sri T. Chenniah, B.Sc.,
Minister for Public Health and L.S.G,
Government of Mysore, Bangalore.

DVS)

MYSORE GOVERNMENT
SECRETARIAT.

(Continuation sheet draft form).

I 5344/9TB 19-55-8 13
No. L. D. 1-8-55

— Endorsement granted to
Smt. Kempamma No. 1447 & 49
Bhanavankri Road, Deoraj Mohalla
Mysore Mrs. K. Counsel Sri
P. M. Chikka Baniat B.B. B.L.

Admn. Mysore

Subject: Acquisition of Properties
bearing No 1447, 1448 and 1449
in Bhanavankri Road, Mysore

With reference to her
Petition dated 21.11.54 and in
Continuation of letter of file
No L 11358/11.12.54
Endorsement on the above subject
Smt. Kempamma is informed
that her request to drop acquisition
of properties cannot be sanctioned.
The petition is therefore rejected
Stay order is also vacated

[Signature]
Clerk

For Secy Edu & L.S. Sd/-
Memo. No. L. 5345 *[Signature]* R 2/8/55 D. 10.8.55

Copy to the chairman, City M.C.
Mysore for information.

[Signature]
Clerk

For Secy Edu & L.S. Sd/-
[Signature] R 2/8/55

GOVERNMENT OF MYSORE

14

Mysore Government Secretariat,

No. L. 5344/ITB. 19-55-8

Dated, Bangalore, 10-8-1955

ENDORSEMENT

To

Smt. Kempamma,
Door No. 1447-49 Dhanvanthri Road,
Devaraja Mohalla, Mysore.

thru' her counsel

Sri P.M.Chikka Boraiah, B.A., B.L.,
Advocate, Mysore.

Subject; Acquisition of properties bearing No. 1447,
1448 and 1449 in Dhanvanthri Road, Mysore.

With reference to her petition dated 21-11-1954 and in continuation of this office endorsement No.L.11358 dated 11-12-1954 on the above subject, Smt. Kempamma is informed that her request to drop acquisition of properties cannot be sanctioned. The petition is therefore rejected. Stay order is also vacated.

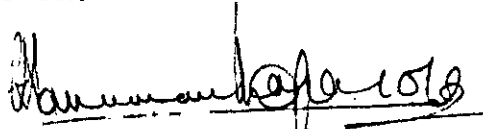
SD(V.Hanumanthappa)
for Secretary to Government,
Education & L.S.G. Departments.

knr-3/9.8

D. 10.8.55

Memo No.L. 5345

Copy of the above is forwarded to the Chairman, City Improvement Trust Board, Mysore, for information.


(V.Hanumanthappa)
for Secretary to Government,
Education & L.S.G. Departments.

s/c R

MYSORE GOVERNMENT
SECRETARIAT.

(Continuation sheet draft form).

11
15
No. L. 5345/ST B. 17-55-9

20 D. 10. 8. 55

The Chairman, city STB Mysore

Sir, - - - - -

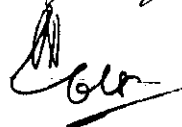
Subject:- Taking possession of the
acquired properties bearing door
Nos 1447-48 and 49 in Shama
Vanthri Road, Mysore for forming
Shop Sites. - - - - -

Reference:- Your S.O. letter No
B2. C. 100/45-46 dated 6.7.55

- - - I am directed to
State that the petition of Smt.
Kempamma is rejected and
the stay order is vacated.

Orders of Govt have
been communicated to the party
separately.

Yours faithfully



For Secy Edu & S & S
Sgt) 2/10/55

ms

Inserted in letter
NZ 11357 & 11-12-54

15/1

16
NO. L. 5346 / 9TB/9-55-9

2. 10. 8. 55

The
Education & L.S.G. Departments

The Chairman,
City Improvement Trust Board,
Mysore.

Sir,

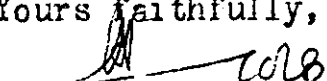
Subject: Taking possession of the acquired
properties bearing Door Nos. 1447-48
and 49 in Dhanvanthri Road, Mysore
for forming shop sites.

Reference: Your D.O. letter No. B2.C.100/45-46
dated 6-7-55

I am directed to state that the petition of
Smt Kempamma is rejected and the stay order issued in
letter No. L.11357 dated 11-12-1954 is vacated.

Orders of Government have been communicated to
the party separately.

Yours faithfully,


(V. Hanumanthappa)
for Secretary to Government,
Education & L.S.G. Departments.

knr-2/9.8